



JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JAMES R. MURRAY
Assistant Corporation Counsel
Phone: (212) 356-2372
Fax: (212) 356-3509
jamurray@law.nyc.gov

March 27, 2020

BY ECF

Honorable Sarah L. Cave
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Devin White v. New York City Police Department, et al., 19 CV 7945 (PAE) (SLC)

Your Honor:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York (hereinafter “Corporation Counsel”), and the attorney for Defendant City of New York in the above referenced matter. The undersigned writes to respectfully request that the Court stay this matter for 90 days from the date of this filing due to the ongoing public health emergency. This is this Defendant City’s first request for a stay of litigation in this matter and is made upon Plaintiff’s consent.

By way of background, Plaintiff *pro se* alleges that, on January 30, 2018 and March 22, 2018, unidentified NYPD officers entered an apartment unit that he was lawfully renting, without a warrant, and arrested him for trespassing. **ECF No. 2**. By Order dated March 9, 2020, the Court scheduled an initial pretrial conference for April 22, 2020 and directed the parties to file a proposed Case Management Plan by April 15, 2020. **ECF No. 26**.

As the Court is aware, the country is currently grappling with the COVID-19, or coronavirus, pandemic. On March 7, 2020, Governor Andrew Cuomo declared that New York is in a state of emergency because of the rapidly developing pandemic situation. On March 13, 2020, Mayor Bill de Blasio followed suit, and declared New York City to be in a state of emergency as well.

That same day, the United States District Court for the Southern District of New York (“Southern District”) issued Standing Order 20 MISC 138, which encouraged individual judges to conduct court proceedings by phone and video conferencing where practicable. Also on March 13, 2020, the Southern District issued Standing Order 20 MISC 015, which suspended and tolled

service of process requirements and deadlines. On March 16, 2020, the Southern District issued a Revised Standing Order further limiting access to courthouses.

On March 20, 2020, Governor Andrew Cuomo issued an executive order in response to the COVID-19 pandemic directing non-essential businesses to close in-office personnel functions. In light of the executive order, other pronouncements from government and judicial officials, associated policies, and expert recommendations, the New York City Law Department has instructed individuals to work from home to ensure compliance with public policy directives and to protect individuals from further community spread of the virus.

In order to advance this case, the undersigned must determine whether Defendant Officers Garcia and Maldonado are eligible for representation under section 50-k of the New York General Municipal Law. To do this, this Office must obtain their disciplinary records and interview them. However, at this time, the undersigned is unable to take these necessary steps. Further, the extent to which the parties will be able to conduct discovery in the coming months is unclear. Thus, it will be difficult for the parties to devise an accurate Case Management Plan or speak meaningfully about proposed deadlines during the upcoming initial pretrial conference.

These circumstances make it difficult to proceed with this action at this time. Accordingly, the undersigned requests that the Court stay this matter for 90 days from the date of this filing.

Thank you for your consideration herein.

Respectfully submitted,

James R. Murray s/
James R. Murray
Assistant Corporation Counsel
New York City Law Department
100 Church Street, Room 3-183
New York, New York 10007
(212) 356-2372
jamurray@law.nyc.gov

CC: Devin White
Plaintiff *pro se*
2205 Davidson Ave.
Apt. 6B
Bronx, NY 10453

The parties' joint request to stay this case (ECF No. 29) is GRANTED IN PART AND DENIED IN PART. The Initial Conference scheduled for April 22, 2020 is adjourned to **Tuesday, June 9, 2020 at 11:00 am**, with the parties' Proposed Case Management Plan due by **Tuesday, June 2, 2020**.

The Clerk of Court is respectfully directed to close ECF No. 29.

SO-ORDERED 3/30/2020